

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE HESSE and ADAM BUXBAUM, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

GODIVA CHOCOLATIER, INC.,

Defendant.

No. 1:19-cv-0972-AJN

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs, through their undersigned attorneys, will move this Court, before the Honorable Alison J. Nathan, United States District Judge, Southern District of New York, at the Thurgood Marshall Courthouse, Courtroom 906, 40 Foley Square, New York, NY 10007, for an Order granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. As set forth in a Proposed Order filed concurrently herewith, Plaintiffs respectfully request that the Court: (1) preliminarily approve the terms of the Parties' Settlement, (2) preliminarily certify the Class for settlement purposes, (3) preliminarily appoint Faruqi & Faruqi, LLP and the Wand Law Firm, P.C. as Class Counsel, and Plaintiffs Steve Hesse and Adam Buxbaum as Class Representatives, for settlement purposes, (4) appoint Kroll Business Services as the Settlement Administrator, (5) approve the proposed Notice Plan and authorize dissemination of notice to the Class, (6) schedule a Final Approval Hearing, and (7) grant such other, further, or different relief as the Court deems just and proper.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Law, the Declarations of Timothy J. Peter, Aubry Wand, Jeanne C. Finegan, and James R. Prutsman, the Settlement Agreement and exhibits thereto, the complete files and records in this action, and any further evidence as the Court may receive.

Pursuant to the Court's October 7, 2021 Order, the Court will inform the Parties if it requires oral argument or a hearing on the Motion.

DATED: October 12, 2021

FARUQI & FARUQI, LLP

By: /s/ Timothy J. Peter
Timothy J. Peter (admitted *pro hac vice*)
1617 JFK Boulevard, Suite 1550

Philadelphia, PA 19103
Telephone: (215) 277-5770
Facsimile: (215) 277-5771
E-mail: tpeter@faruqilaw.com

Innessa M. Huot
685 Third Avenue, 26th Floor
New York, NY 10017
Tel: 212-983-9330
Fax: 212-983-9331
E-mail: ihuot@faruqilaw.com

THE WAND LAW FIRM, P.C.
Aubry Wand (admitted *pro hac vice*)
400 Corporate Pointe, Suite 300
Culver City, California 90230
Tel: 310-590-4503
Fax: 310-590-4596
E-mail: awand@wandlawfirm.com

Attorneys for Plaintiffs